

an azimuthally symmetric radial gradient as recited in claims 1 and 28, as amended. For at least this reason, claims 1 and 28, as amended, are not anticipated by Bailey.

Rejections under 35 U.S.C. § 103

The Examiner rejected claims 1-4, 6-8, 28-29, and 35-36 as being made obvious by U.S. Patent No. 6,196,155 to Setoyama et al. in view of U.S. Patent No. 5,855,725 to Sakai. Neither Setoyama et al. nor Sakai disclose or make obvious a device for rotating the magnetic fields of each magnetic element at a same angular speed and same angular direction to create an azimuthally symmetric radial gradient as recited in claims 1 and 28, as amended. For at least this reason, claims 1 and 28, as amended, are not made obvious by Setoyama et al. in view of Sakai.

The Examiner rejected claims 5, 9-11, and 30-34 as being made obvious by Setoyama et al. in view of Sakai as applied to claims 1-4, 6-8, 28-29, and 35-36 and in further view of U.S. Patent No. 5,660,744 to Sekine et al., WO 99/27758 to Barankova et al., or U.S. Patent 6,341,574B1 to Bailey et al. None of these references discloses or makes obvious a device for rotating the magnetic fields of each magnetic element at a same angular speed and same angular direction to create an azimuthally symmetric radial gradient as recited in claims 1 and 28, as amended. For at least this reason, claims 1 and 28, as amended, are not made obvious by Setoyama et al. in view of Sakai and further in view of Sekine et al., Barankova et al., or Bailey et al.

Claims 2-11 and 29-41 are ultimately dependent on claims 1 or 28, and are therefore respectfully submitted to be patentable over the art of record for at least the reasons set forth above with respect to claims 1 and 28. Additionally, these dependent claims require additional elements that, when taken in the context of the claimed invention, further patentably distinguish the art of record. For example, claims 11 and 39 recite that the magnetic elements comprise a first electromagnet and a second electromagnet where the device for rotating the magnetic field comprises an electrical controller for varying the current in the first electromagnet and the second electromagnet so that the current in the first electromagnet and the second electromagnet are out of phase. For at least these reasons, claims 2-11 and 29-41 are not made obvious by the cited references.

In view of the amendments and arguments set forth herein, it is respectfully submitted that the applicable rejections have been overcome, and that all pending claims are in condition for allowance.

If there are any issues remaining, which the Examiner believes, could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at (831) 655-2300.

Applicants hereby petition for an extension of time that may be required to maintain the pendency of this case. Any required fee for such extension or any further fee required in connection with the filing of the Amendment is to be charged to Deposit Account No. 50-0388 (Dkt. No. LAM1P130).

Respectfully submitted,
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